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June 19, 2020

VIA ECF

Honorable Kenneth K. Karas
United States District Court
United States Courthouse
300 Quarropas Street
White Plains, N.Y. 10601

MEMO ENDORSED

Re : *Maldonado v. Town of Greenburgh, et al.*
18-cv-11077 (KMK)(LMS)

Dear Judge Karas:

We represent the Plaintiff in the above referenced matter and write in response to the letter filed today on behalf of defendant Town of Greenburgh (Dkt. 112).

Plaintiff confirms that the parties' meet and confer was unsuccessful in coming to an agreement on Defendant's desire to limit Plaintiff's ability to make public statements regarding this case. While the parties did agree on a briefing schedule for the motion Defendant intends to file, counsel for the Defendant did not raise during the meet and confer their intention to ask the Court to order that "all motion papers, including the opposition, be filed under seal." Plaintiff respectfully refers to the Court's Individual Rules of Practice requiring the Defendant to file a motion "in public view" explaining "the particular reasons for seeking to file that information under seal". Individual Rules of Practice of the Honorable Kenneth M. Karas, Rule IX (A)(ii).

Plaintiff opposes the unilateral sealing of Defendant's motion and requests that the Court order the Defendant to submit an application seeking approval of this drastic measure which complies with the Court's rules and provides Plaintiff a full and fair opportunity to be heard in opposition.

No party may presumptively file documents under seal, given that there is a First Amendment and common law right of access to court filings. The Court assumes all counsel know this, but to be sure, counsel is directed to file a motion in advance of the filing of any sealed papers explaining why any portion of any filing should be sealed.

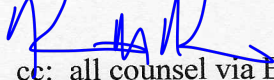
Very truly yours,

NEWMAN FERRARA, LLP

s/

Debra S. Cohen

So Ordered.



6/22/20

cc: all counsel via ECF